IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.981 OF 2004

Municipal Corporation of
Greater Mumbai ... Appellant

V/s.

Deepak Sakharam Kamble ... Respondent

Mr.J. Xavioer i/b V.K. Khatu for Appellant
Mr.Arif Bookwala with Mr.D.Sharma for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 22, 2004**

P.C.:

. This Appeal from Order is filed against an order in the Notice of Motion allowing the Notice of Motion in terms of prayer clauses (a) and (c). It appears that the suit premises have already been reconstructed. An undertaking is given by one Deepak Sakharam Kamble, the Respondent herein, stating that he would not carry out any further construction or addition or alterations of any nature whatsoever to the structure namely, House No.35, situated at CTS No.1722/5 and 1722/6, Swami Vivekanand Road, Santacruz (West), Mumbai-400 054.

2. Undertaking accepted. Mr.Bookwala makes a statement that the respondent will not claim any equity in the matter although the suit premises have been

reconstructed. In the event the appellant alienates the property by creating any third party rights, the respondent will inform any new entrant of the existence of the present suit.

3. Suit is expedited. Appeal from Order is disposed of accordingly.

4. Liberty to the Respondent-Corporation to take any other action which is permissible in respect of the suit structure, in accordance with law.

5. Parties be provided an authenticated copy of this order.